Manufacturing Chemists Association

MINUTES OF MEETING

FOOD, DRUG, AND COSMETIC CHEMICALS COMMITTEE

MCA Conference Room Washington, D. C.

May 3, 1972

Members Present

T. W. Hanavan, Chairman	E. I. du Pont de Nemours & Company
George Ingle, Vice Chairman	Monsanto Company
T. R. Aalto	Tenneco Chemicals, Inc.
R. S. Bryant	Stauffer Chemical Company
C. H. Goodman (for H. C. Spencer)	The Dow Chemical Company
C. F. Hagan (A.M.)	Pfizer Inc.
W. A. Knapp	Allied Chemical Corporation
J. A. Korth	CPC International, Inc.
W. H. Meyer	The Procter & Gamble Company
Peter Morison	Eastman Chemical Products, Inc.
K. E. Mulford	ICI America Inc.
P. E. Neiman	Enjay Chemical Company
R. F. Philpitt	Olin Corporation
M. B. Ver Nooy (for C. P. Carpenter)	Union Carbide Corporation
M. M. Hoover, Secretary	MCA Staff

Guests Present

H. A. Birnbaum	3 M Company
R. L. Maycock	Shell Chemical Company
Peggy Walton	MCA Staff

Members Absent

F. R. Barron, Jr.	American Cyanamid Company
Benjamin Borenstein	Hoffman-La Roche, Inc.
C. P. Carpenter	Union Carbide Corporation
W. E. McCormick	B. F. Goodrich Company
J. R. Mennis	Merck & Co., Inc.
R. M. Miller	Hercules Inc.
A. M. Schnitzer	Phillips Petroleum Company

Members Absent (Cont'd)

H. L. Schulman	Mallinckrodt Chemical Works
H. C. Spencer	The Dow Chemical Company
R. G. Troup	J. T. Baker Chemical Company
Samuel Zuckerman	H. Kohnstamm & Company

---

1. MEETINGS

a. Minutes of Last Meeting - The minutes of the November 17, 1971 meeting were approved as distributed.

b. Next Meeting - It was decided to hold the next meeting of the committee December 11, 1972 in Washington.

2. PERSONNEL

The chairman reported that Messrs. Ingle and Meyer were elected chairman and vice chairman, respectively, for the two-year term starting June 1, 1972 per the recent letter ballot of the committee.

The secretary read Norman White's letter of March 15 in which he notified MCA of his retirement effective April 1.

3. PROCEDURES

The draft Rules of Organization and Procedure, sent to the committee February 8, 1972 were approved.

4. LIAISON ACTIVITIES

a. MCA Board of Directors - Mr. Ingle reported on the February 8 meeting of the Board Liaison Committee for Environmental Quality and Control. Minutes of this meeting containing a report on FDCCC activities were sent to the committee.

The secretary reported that Mr. Ingle was scheduled to make a brief presentation to the full Board at the April 1973 meeting.

b. MCA Ad Hoc Committee on Chemicals Regulation - The chairman reported on the status of the toxic substances control bill, by which manufacturers would be required to file test data on new chemicals before marketing. He said it is unlikely that the bill will become law this year.

c. MCA Public Relations Department - Mrs. Walton indicated that committee members would be most welcome to assist in manning MCA Consumer Information exhibits, where they would have a good opportunity to learn consumer opinions and be helpful in explaining the chemical industry to consumers. Dates for these exhibits are June 6-9 (Denver, General Federation of Women's Clubs), June 26-29 (Detroit, American Home Economics Association), October 9-12 (Denver, National Association of Extension Home Economists), and October 22-25 (Dallas, Girl Scouts of the United States). Anyone wishing to help should contact her.

She reported that the MCA booklet "Food Additives: What They Are, How They Are Used" has been distributed in the amount of 70,000 copies, that 25,000 more have been re-ordered, that this publication is proving most helpful for the purpose for which it is intended, but that there is a need for a question and answer type presentation which would be effective in getting information about food additives to the general public directly.

She also reported that there will be a public relations day immediately preceding the next MCA Semi-Annual Meeting, during which representatives of member companies are to be interviewed. Subject areas such as food additives are to be covered.

d. Grocery Manufacturers of America - The secretary reported that GMA has set up groups to work with the U. S. delegates to the FAO/WHO Codex Alimentarius Commission and its subsidiary bodies.

e. International Union of Pure and Applied Chemistry - The secretary reported that comments on the IUPAC proposed specifications for dispersion solvents have been received from ten companies, and that they will be forwarded.

f. National Academy of Sciences - The secretary reported that the Industry Committee of the NAS Food Protection Committee has been enlarged, that it has been renamed the Industry Council, that it is to serve the NAS Food and Nutrition Board rather than just the Food Protection Committee, and that Mr. Meyer has been appointed a member of this council.

g. Pharmaceutical Manufacturers Association - Dr. Aalto reported that the PMA draft Good Manufacturing Practice regulations for bulk drugs is not yet available, and suggested a chemical industry review of this document before it is released.

h. United Nations - The secretary reviewed his FAO/WHO report sent to the committee April 20. He added that comments from Tenneco re additives in soft drinks were sent to the U. S. delegate to the

Codex Committee on Food Additives April 24, and that the next meeting of the Codex Alimentarius Commission will be held in November.

With regard to the WHO paper on Estimation of the Intake of Food Additives, Mr. Meyer reported that he had met with the U. S. delegate to the Codex Committee on Food Additives concerning this paper, at which time he recommended that the information in it be used for screening purposes only, that any restrictions on the use of food additives due to apparent exceeding of the Acceptable Daily Intake be based on more sophisticated means for estimating intake, and that differences in consumption patterns from country to country be properly taken into account. The committee recommended that a letter be sent to the U. S. delegate stating that this represents MCA's position.

With regard to the General Principles for the Use of Food Additives, also on the agenda for the next meeting of the Codex Committee on Food Additives, Mr. Meyer referred to the proposals that food additives not be permitted if they cause a substantial reduction in the nutritive value of a food, or if the desired effect can be obtained by other manufacturing practices which are economically and technologically satisfactory. The committee recommended that reasons why these prohibitions should not be approved without appropriate qualification be advanced at the next CCFA meeting. It was pointed out that the first proposal above is directed at flour treatment agents.

i. U. S. Congress - The secretary reported on the status of the bills which have been sent to the committee since last October. No MCA action on any of these bills was recommended.

j. U. S. Department of Agriculture - Mr. Morison reported on the realignment of USDA's Meat and Poultry Inspection Program. Information concerning this was sent to the committee April 24.

k. U.S. Department of HEW (FDA) - The chairman called attention to three recent Federal Register notices re Polychlorinated Biphenyls (3/18/72 F.R.), Cosmetics (4/11/72 F.R.), and Proposed Procedures for Affirmation and Determination of GRAS and Food Additive Status (3/25/72 F.R.). No MCA action was recommended with respect to the first two. With respect to the latter, it was agreed that MCA should comment by the deadline of May 24, and that Messrs. Hanavan, Hagan, Ingle, and Meyer would draft MCA comments.

The chairman also referred the committee's attention to two articles in the April 24 issue of Food Chemical News: one on "post-sanction" letters (page 3), and one on food additive safety requirements other than toxicity (pages 21-22). Copies of these two articles were distributed at the meeting.

5. OTHER

a. Good Manufacturing Practice Regulations - Mr. Bryant proposed that the committee draft GMP regulations for food chemicals. It was recalled that the committee had tabled at its May 1971 meeting the drafting of these regulations for both food chemicals and bulk drugs, that the most recent GMP regulations for drugs promulgated by FDA were limited to finished pharmaceuticals, and that the GMP regulations for human foods which appeared in the April 16, 1969 Federal Register contained no blanket exemption for food chemicals as recommended by MCA. It was decided that the committee should continue to follow developments in this area, but do nothing beyond this now.

M. M. Hoover, Secretary

MMH:gr
May 4, 1972
Distribution "A"
cc: Board Liaison Committee-Environment

Ernie Puller [illegible] Assoc – 11th [illegible]

May 3, 1972

NOTES MCA – FDCC Comm meeting of 5/3/72

Item 3 Chuck Goodman Dow

Russ Maycock Shell

Norm White (resigned – returns to Shell on April 1)

4 Committee Operating Procedures –

5 (a) G Ingle reported to Board on FDCC – [illegible] to activity on [illegible]

(b) Commerce Comm. – Toxic Substances – 2nd part. intensive

new draft due May 2 or 3. Will go thru Senate but will

not get thru House this year – but won't go away

Bill introduced by EPA

Percy – Harry Baker – Va Chem

(c) McComb [illegible]

OSHA – Presently no legal obligation on part of employer to

inform employees

NIOSH Developing Data Bank

Steward may require determination of hazard

NIOSH – First Std

(d) Peggy Walton – Dates of exhibits etc

Invite to GMA

Short form to develop short Q & A – much shorter

than Food Additive booklet

Geo Ingle + Russ Meyer will

Food Chemicals Day before Semi-Annual Meeting

(e) Morgan Homer

GMA has met with H Blum + agrees that

procedure $\frac{\text{Usage}}{\text{ADI}}$ up to 1 [illegible] for screening only

Lassume in all food.

Portion ADI's must be on [illegible] by [illegible] basis

ASI 00003067

Discuss FAO/WHO Expert Comm on ADI'S

General Principles of Food additives

Walt Meyer - Add. cannot be used if decrease nutrition value

- Usefulness in most specificity

(f) GMA Working Parties to work with Codex

Cont Cal Test /

Vit & Past & Mini % of ADI

(g) Fed. Univ of Applied Chem. - Dr Howe

(h) NAS - Minutes of Dec Comm meet of Industry Committee

Bob Scott Min of May 28 meeting Committee

(i) Dr Acts - Write GMP's for bulk drugs

Written by PMA. Took 13 titles from GMPs

for drugs - still can not applied for

some chem mfrs - in hands of PMA legal

staff - may not be released. - Dr A.

Suggest rev by FDCC of MCA

- Where necessary -

- Record keeping reg's of drugs

Bryant Stauffer - Write GMP's

Walt Meyer - FDA present thoughts

(j) U.S. Congress

Food group would like out - away from drug part

PMA fronts or regulations of FDA

Geo Engler - McGraw Hill writing article on FDA and industry

ASI 00003068

Walt Meyer FDA slanted to concentrating of Foods, Drugs & Cosmetics - not concerned with present safety.

(k) - April 12 - CMS release of food additive
John Sloan - also confused
318.7 — two under APIS
Donald Dew
Barrett over Sloan or Dew

12th & C St.

Jim Doyle - Phillips ...
Autrey - current NIH contract

(l) Post sentence letter

GRAS
Pg 21 of App 24 Food Chem News
a pg 24 of April 21

Jim Merrit
Cosmetics Fed Reg. 37 No 70 7151-7156 April 11
PCB's

ASI 00003069

AND FOR DESSERT• THIABENDAZOLE AND ETHOXYQUIN

Betty Rae Stevick

Eating, one of the great American pastimes, is suddenly getting less pleasurable. The food available in supermarkets used to make us glad to be in this country. The abundant array of fresh looking, perfectly formed fruits and vegetables, the red meats, the great variety of all kinds of foodstuffs available is the result of great advances in food technology. But now we are beginning to wonder whether we are overdoing our chemical engineering of foods. Thiabendazole, ethoxyquin and o'phenylphenate maintain freshness and retard spoilage of oranges and apples; sodium nitrite keeps meat looking red; yellow prussiate of soda and sodium aluminum silicate help salt pour. Innumerable additives make new foods out of soybeans and cereal grains. Beatrice Trum Hunter points out in *Consumer Beware!* that "nearly 60 chemicals may be present in a loaf of bread without label declaration."

Against all this as a background, the rising statistics in cancer and heart disease stand in stark contrast. The discovery that some food chemicals cause cancer leads to the suspicion that others are also hazardous. The refining of flour and sugar has been related to the incidence of cancer.

The really disturbing fact is that we cannot get away from these chemicals as food processing is developing now. We used to be grateful that potassium iodide was added to salt because it helped prevent the occurrence of goiters. If you preferred to get your iodine requirements naturally through fish or seaweed, plain salt was always available. Now, the story is different with salt, and it is typical of what is happening throughout the food industry. New chemicals are being added. One brand of salt has as many as five ingredients listed on the label: salt, potassium iodide, yellow prussiate of soda, sodium aluminum silicate and dextrose. You cannot find salt without at least one additive beyond potassium iodide in most supermarkets.

Since the public is not being given the opportunity to choose but is forced to buy foods containing chemicals it knows nothing about, people are beginning to have second thoughts about putting their health into the hands of food manufacturers who are proving to be unreliable authorities.

New knowledge in the field of molecular biology is making us aware that chemicals can damage our cells in two important ways: they can poison our cells by affecting the non-genetic material, and they can alter the genetic material of our cells. This genetic alteration may result in cancer, deformed embryos and hereditary diseases.

Damage to the genetic material produces, for all practical purposes, irreversible effects. Although repair of damaged genes may take place in the laboratory, an ounce of prevention is still worth a pound of cure. Theoretically, in some instances, one molecule of a potent chemical agent could cause genetic damage, and cells may store this kind of damage so that it adds up. Thus, there is really no insignificant dose of such chemicals. On the other hand, chemicals which affect only the non-genetic material of a cell may be toxic at one level of concentration and non-toxic at a lower level, or their effects may be reversible when the offending agent is removed.

The public is not protected by law from food additives that alter genetic material. As it stands today, the Food, Drug and Cosmetic Act restricts food additives in two ways: it totally bans any additives which have been found to produce cancer in man or animals, and it limits the amounts of toxic additives according to tolerance levels. Cyclamates, the artificial sweeteners, illustrate the restriction by which carcinogens, or cancer-causing agents are banned. Sodium nitrite is an example of food additives which are limited according to amount. Nitrite is added to meat to "fix" a red color

Mrs. Stevick, who completed her M.S. in microbiology at George Washington University recently, is a member of the Arlington (Va.) Branch.

(as in ground meats), for "curing" purposes (such as in ham or bacon), and to protect against botulism.

The use of sodium nitrite seriously challenges the adequacy of both these restrictions. First of all, its use demonstrates the weak legal protection given the public against the toxic aspects of food additives, both from the point of view of necessity of usage and enforcement of legal limits on amounts put into food. According to testimony in a House subcommittee hearing chaired by L. H. Fountain, Democratic congressman from North Carolina, death and injury have occurred from excessive nitrite in processed meats. It was reported that a small margin of safety separates safe from hazardous concentrations of nitrite. Children who eat many hot dogs, bologna and other processed meats are particularly susceptible. One three-year-old boy died after eating a raw hot dog which contained three to five times the legal limit. Dangerously excessive and fatal amounts of sodium nitrite (up to 15 times the permissible level) have been found in smoked salmon, hot dogs and processed meats. The present permitted levels could be greatly reduced if "cosmetic" uses of nitrite were forbidden and only enough of it were used to preserve meat and fish products in a wholesome condition.

The inadequacy of the restriction of carcinogens by the Food, Drug and Cosmetic Act is also illustrated by the use of sodium nitrite. Some medical researchers, including Dr. William Lijinsky of the University of Nebraska Medical Center, have accused sodium nitrite of possibly contributing to a needlessly large cancer toll among Americans. Nitrite is one of the two ingredients that combine to form nitrosamines, which are powerful cancer-causing agents. Dr. Lijinsky reported in a recent issue of the journal *Tetrahedron* that there is a possibility nitrosamines can be formed in the human stomach when there is a diet containing nitrites and amino acids, which are found in blood and muscle.

A weakness of the cancer clause of the Food and Drug Act is that it restricts a chemical only after it has been found to cause cancer. It may take years to determine whether a chemical causes cancer, using laboratory animals. That period may be shortened to a matter of days or weeks for most carcinogens if we make use of the laboratory techniques and principles which are being developed to study mutation, the alteration of genetic material. Most, and perhaps all, carcinogens are mutagens, chemicals which alter genetic material. Many mutagens are carcinogens. This is a very important relationship, because it makes rapid screening of carcinogens possible. It takes only days or weeks with the use of microorganisms to determine in the laboratory whether a chemical causes mutation. The new knowledge we are accumulating about mutation is significant not only because mutation leads to harmful effects but also because of the new techniques it makes possible for rapid detection of harmful agents.

Some of the undesirable effects of mutation are embryo damage, genetic disease or cancer. Most mutations are harmful and result in a lowered resistance to disease, a lowered life span, increased infertility, and general physiological weakness. Because man is genetically complex, there are many possibilities for mutation. There are at least 1,500 diseases which are considered to be of genetic origin. Sickle cell anemia and diabetes are two examples.

Mutation is becoming increasingly important to us. Because death rates due to parasitic and bacterial diseases have decreased, genetic disease is being found in relatively more people. Once a mutation is introduced it may remain in the genetic material for as many as 40 generations. Genetic diseases have been occurring at about the same rate for probably thousands of years, but we are only beginning to become aware of them collectively. It is possible we may have an increase in genetic disease if we continue polluting the environment, which includes our food.

More and more, the public is asking these two questions about food additives: Are the chemicals necessary for the wholesomeness of the food to which they are being added? Does the government have adequate resources to maintain surveillance of the food manufacturers who process food with excessive and illegal amounts of additives?

In view of the accumulating evidence of inadequate safety, public clamor is mounting for preventive measures to be taken to protect the food supply. Sen. Gaylord Nelson is introducing a bill in Congress which would restrict food additives to necessary usage and totally ban not only carcinogens, but also mutagens. Now that we know that there is not only the threat of toxicity and cancer from the use of chemicals in our food, but also that some chemicals can alter genetic material and cause mutation, we can make use of that knowledge in formulating a legal concept of food safety that is directly concerned with the protection of the consumer and the offering of guidelines to the producer.

The more informed the public is on these matters the more it can put pressure on the government and industry to update its ideas and testing of food additive safety. More research is needed to refine the mutagenicity tests in existence and to develop new ones.

President Nixon is supporting an intensive campaign to find a cure for cancer. It would seem that preventive measures against consumption of known and suspected carcinogens would be an important step in the war against cancer. By testing food additives for their mutagenicity, and by enlarging our legal concept of hazardous food additives to include those which cause damage to genetic material, we may strike a blow against many diseases caused by genetic damage, including cancer.

We can take definite action as individuals by becoming well-informed and supporting appropriate legislation and organizations. Letters may be sent to the following:

(1) to your own senators and to Sen. Gaylord Nelson, 4040 Senate Office Building, Washington, D.C. 20510,

in support of legislation Sen. Nelson is drafting which would restrict food additives to necessary usage, ban mutagens and teratogens (chemicals which cause embryo damage) as well as carcinogens, eliminate the GRAS list (food additives generally recognized as safe), and expand FDA's authority, requiring more testing of drugs and tighter rules of inspection.

(2) to Charles C. Edwards, M.D., Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20854, to support the requirement that all ingredients be listed on the labels of processed foods, even when a Standard of Identity has been established.

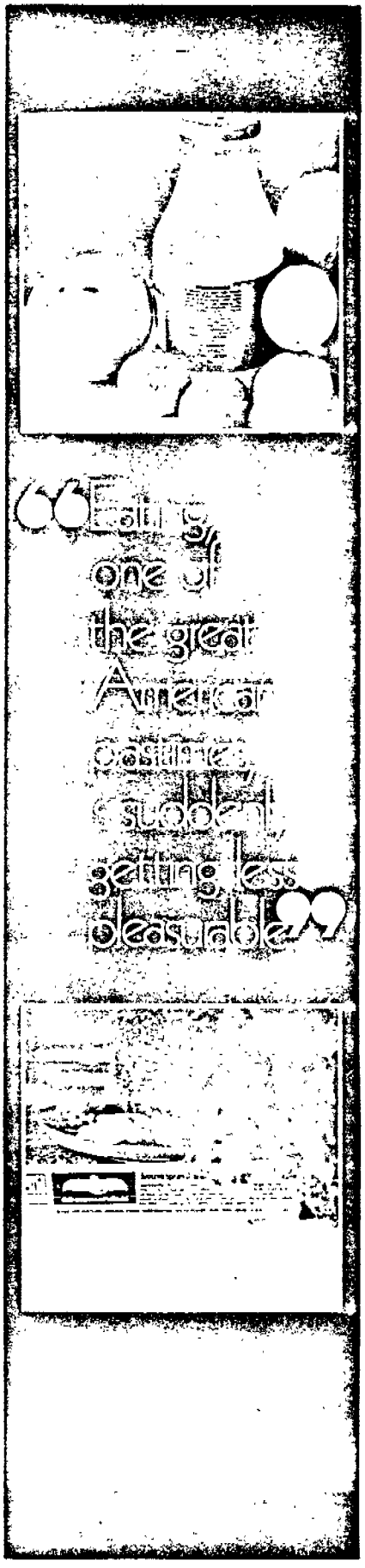
(3) to your own congressman to support bill HR8670, introduced by Rep. Rosenthal, which would amend the federal Food, Drug and Cosmetic Act to require the labels on all foods to disclose each of their ingredients.

(4) to your senators to support Food Labeling Bill S. 3083 introduced in January by Senators Moss and Hartke. This is the most comprehensive of bills to amend the federal Food, Drug and Cosmetic Act.

(5) for membership in such groups as the Federation of Homemakers, a non-profit lobbying organization concerned about food legislation and consumer protection. Applications for membership may be sent to Mrs. Gordon B. Desmond, President, Federation of Homemakers, 927 N. Stuart St., Arlington, Va. 22203. (Member—$5.00, sponsor—$10.00).

Another action which we can all take is to learn the essentials of good nutrition and then buy the best available basic foods for supplying our nutritional needs. There are so many conflicting ideas about nutrition that it is perhaps wise to look at all of them with an open mind and adopt or reject them according to one's own knowledge of self and family.

We are living in an era when not only new scientific knowledge is being made available to us, but we are falling heir to wisdom accumulated throughout the ages by



many cultures. Both of these sources of knowledge need to be correlated in the field of nutrition before the source of ancient nutritional wisdom is lost to us through neglect to retrieve it as modernization completes its effect on society.

One of the most recent contributions that science has made to the field of nutrition is the knowledge that some food chemicals, both artificially produced and naturally occurring, can cause mutation of the cells of our body and lead to cancer, genetic disease, embryo damage and possibly aging. We need to apply this knowledge to monitor the production and distribution of our foods. There is much money invested in food processing, and the tendency has been to identify processed, refined and chemically treated and produced foods with progress. In fact, the continued consumption of such foodstuffs may lead to our physical degeneration as a nation. In our haste to share our technological knowledge with other nations to help them develop, and in their eagerness to reach our standard of living, we may pass on not only our scientific knowledge of nutrition and food safety, but our great talent for manipulating chemicals and food for the profit of the few at the expense of the masses in the name of feeding the hungry of the world. We must study carefully where chemicals are actually needed in food for the benefit of humanity.

A studied look at the total food picture and the specific point where we enter into it as individuals would seem to be compatible with the interests of AAUW, since the proper functioning of our bodies is so necessary to our mental and emotional health, which, in turn, affect our intellectual growth.

FOOD CHEMICAL NEWS

Editors: Louis Rothschild, Jr.; Raymond Galant April 24, 1972
Subscription Manager: Natalie Pargas

FDA DECIDES TO END USE OF "POST-SANCTION" LETTERS

The Food and Drug Administration has decided to eliminate the use of so-called "post-sanction" letters permitting minute levels of indirect additives in food from packaging uses.

The decision to discontinue the practice came as a result of an industry dispute in which a company challenged the legality of an informal approval held by another only to find out that the "post-sanction" letter was, in fact, valid.

The use of the letters has been in dispute at FDA for some time, but the new controversy resulted in a reappraisal of the practice. The letters, which are sometimes used to inform inquirers that they have "no food additive problem," based on the minute or trace levels of migration expected, will not be revoked under the new policy.

A New Subpart under §121 to Be Used to List Minor Migrants

However, FDA-ers will now require a listing under a new §121 subpart for "insignificant" levels of migrants from food packaging materials. Data required for this type of listing are not expected to be as extensive as now expected from firms who go through the Food Additive Petition process to clear indirect additives with problems of toxicity.

FDA-ers are now attempting to establish guidelines for this type of procedure.

Current feeling at FDA is that substances fall into only three categories: (1) Prior sanctions; (2) "Generally recognized as safe;" and (3) Regulated additives.

The new listings will bring these indirect additives into regulated status, and, once published, unless protected by patents, like other Food Additives, can be manufactured by any company.

The current dispute erupted from a competitive battle. One firm held a letter; the other did not. FDA decided the "post-sanction" letter to one resulted in a competitive advantage.

The new approach is expected to put all companies on an equal footing.

In a letter to Pfizer, FDA listed a number of requests for additional data, including some on the validation of the manufacturing process plus others concerned with analysis of intermediates in the process and the finished product, with emphasis on polynuclear aromatics such as benzo(a)pyrene.

After receipt of the additional data, FDA wrote, "we then can comment on the need for a suitable specification test on the final citric acid to preclude the presence of carcinogenic PNA's."

If after review of the supplemental data, FDA said, "we can agree that the Pfizer product, with any needed specification test, complies with the requirements of the Food Chemicals Codex for food-grade quality, the submission can be considered as a petition for GRAS affirmation . . ." The FDA letter pointed out that under the procedure, a 60-day period for interested persons to review the petition and/or file comments will be permitted.

FOOD ADDITIVE REQUIREMENTS REACH BEYOND TOXICITY, HUTT SAYS

The Food and Drug Administration is ready to reach beyond toxicity of food additives to other safety questions under the Food Additives Amendment.

This became clear in a letter from Gerald F. Meyer, Director of FDA's Office of Legislative Services, to Chairman Rogers (D-Fla.) of the Public Health and Environment subcommittee of the House Interstate Committee.

Rogers had expressed concern over the potential hazard to children from the use of pull-off top cans. In response, Meyer explained that the agency can exercise legal jurisdiction over problems of this type either through the Food Additives Amendment or through the child safety provisions of the Federal Hazardous Substances Act.

Meyer's position was apparently based on an opinion from General Counsel Peter Barton Hutt in a memorandum to Sam Fine, Associate Commissioner for Compliance, reversing the draft of a letter originally prepared for Rogers that indicated FDA had no jurisdiction over pull-off top cans.

In the recent oven bag matter, Hutt wrote, "we took the legal position that the safety requirements of the Food Additives Amendment reach beyond toxicity and include other aspects of consumer safety" (See FOOD CHEMICAL NEWS, Feb. 28, Page 4). Hutt continued:

> "We could also take the same position here. We could, for example, issue a regulation under Section 409 in effect withdrawing food additive approval with respect to any pull-off tab can intended for food use unless it met specific safety criteria established in the regulation."

Meyer, in his letter to Rogers, similarly pointed out that in the oven ban controversy, "we were prepared to take action against the products if necessary under the safety requirements contained in the Food Additives Amendment."

He said the same could be done with the pull-off top cans, but "it appears to us more appropriate to proceed instead under the provisions of the Federal Hazardous Substances Act which cover any 'article for use by children' which represents a mechanical hazard."

Meyer told Rogers that the Bureau of Product Safety is working with industry to correct the can top design to eliminate the hazard, and he outlined some of the progress being made.

●

SUPREME COURT RULING, OTHER ISSUES IMPACT PESTICIDES PROGRAMS

A Supreme Court ruling April 19 that esthetic and environmental well being are justifiable causes for lawsuits against the government appeared to solidify recent gains of environmental groups.

The ruling came in a week of many other developments regarding pesticides regulations.

Justice Potter Stewart wrote that while the Sierra Club could not sue simply or the basis of its experience and concern, an aggrieved hiker or other individual could sue on the basis that esthetic and environmental well-being "are important ingredients in the quality of life in our society."

The suit involved the Sierra Club's attempt to stop the building of a Walt Disney resort complex.

The incursion of columnist Jack Anderson into pesticides discussions with an April 15 column roasting the Environmental Protection Agency's "suppression" of a tough report on mercury was another development affecting pesticides regulation.

Assistant EPA Administrator David Dominick circulated a memo forbidding the giving of either of two study reports on mercury to anyone outside the agency, but columnist Anderson apparently was able to obtain a report resulting from a study headed by Victor Lambou. Suppressed also was a report by an internal study group headed by Dr. O. Garth Fitzhugh, who retired April 6 from EPA.

Dominick was unavailable for comment on either of the reports, which were the basis for EPA's recent cancellation and suspension of various mercury products (See FOOD CHEMICAL NEWS, March 27, Page 37).

Anderson quoted the Lambou report to the effect that even if all discharges into the environment were "suddenly and miraculously stopped, the residual already produced by past activities, if not removed or permanently stabilized, will present a mercury problem for years to come."